

REMARKS/ARGUMENTS

This Amendment is responsive to the Office Action mailed September 10, 2007.

An interview was held with Examiners Hadizonooz and Laneau on December 4, 2007. The undersigned thanks the Examiners for granting the interview and appreciate the Examiners' careful consideration of the arguments made by the undersigned. In the interview, the Examiners expressed a preference to have the "microphone structure coupled to the platform" of claims 60 and 67 more specifically described as non-removable, as shown in the embodiment of figure 10, to overcome the prior art rejection.

Prior to this amendment, claims 1 - 70 (as renumbered by the Examiner) were pending. Claims 1 - 67 and 69 - 70 have been rejected. Claim 68 has not been rejected and is presumed to be allowed. In this Amendment, claims 1-59 are cancelled, and claims 60, 61, 67 and 68 have been amended. Claims 67 and 68 have been renumbered as claims 68 and 70, respectively, to comply with the Examiner's objection. Claims 61 and 68 have been amended to be put in independent form, and the amendment therefore does not raise new issues requiring further search or consideration. Claims 60 and 67 have incorporated the limitation to further detail the attachment of the microphone to the housing, as can be seen in FIG. 10 and paragraph [0105]. No new matter has been introduced. Reconsideration of the rejected claims is respectfully requested.

I. 35 USC 103 - Lynch et al., Padgett, and Kirwan

In the Office Action, claims 60, 62- 65, 67 and 69 are rejected as being obvious over Lynch et al. (U.S. Patent No. 6,668,156) and Padgett (U.S. Patent No. 6,421,524). Claim 61 is rejected for being obvious over Lynch in view of Padgett, and further in view of Kirwan (U.S. Patent No. 6,516,181). Claims 66 and 70 are rejected as being obvious over Padgett in view of Lynch and Smith III (U.S. Patent No. 5,466,158). To the extent the rejection is applicable to the amended set of claims, these rejections are respectfully traversed.

A. *The cited art does not teach a microphone connected as disclosed.*

Obviousness has not been established for the independent claims, or any claims that are dependent thereon, since each and every element of the claims is not taught or suggested by the cited art. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). MPEP § 2143.03. Here, the limitations in independent claims 60, 61, and 67 regarding the connection between the microphone and the housing are not taught or suggested by any of Lynch et al., Padgett, or Kirwan.

Claim 61 is drawn to a microphone "in the platform." Lynch does not teach a microphone. Padgett teaches a "microphone connector" which is used to "couple microphone 800 to audio recording/playback apparatus." See column 6, lines 32-45 and FIG. 1. Hence, Padgett does not teach a microphone "in" a platform, but rather outside of one and coupled via a connector or cable.

Kirwan shows a microphone as part of a "separate audio recording and playback device" which is separate from a storybook (column 2, lines 59-60). Kirwan teaches a circuit for receiving and storing audio recordings in column 4, but the circuit connects to a "remote microphone" through input lead 114. See column 4, lines 8-15. Fig. 1 further shows input lead 114 disposed outside of any platform or body. Kirwan clearly does not show a microphone "in the platform" and does not anticipate the claims.

Claims 60 and 67 are drawn to "a microphone structure fixedly coupled to the housing." Padgett teaches a microphone that is removable and connects through a "microphone connector." See column 6, lines 32-45 and FIG. 1. Kirwan teaches a removable "remote microphone" that connects through input lead 114. See column 4, lines 8-15, and Fig. 1. Neither Padgett nor Kirwan teach a microphone "fixedly coupled" to the housing as disclosed in claims 60 and 67.

B. *The cited art does not teach a dummy microphone as disclosed.*


Claims 61 and 68 disclose the limitation that "the microphone structure is a dummy microphone structure." Figure 10 and paragraph [0105] of the application disclose how "the microphone structure 902 is a dummy microphone structure" and is separate from the "opening 904 for a microphone" which is "present near the base of the microphone structure." Paragraph [0047] of the application discloses several advantages to having the microphone structure be a "dummy microphone," including that it "spaces the user's mouth an appropriate distance from the real microphone".

Neither Padgett nor Kirwan teach a "dummy microphone" as disclosed in claims 61 and 68. Padgett teaches "a recording device 140, such as a microphone" in FIG. 1. The microphone of Padgett is a working microphone, however. Kirwan teaches a "remote microphone (not shown)" in column 4, lines 15-16. The microphone of Kirwan is also a working microphone and is not shown since its structure is not important to the claim, rather its functionality is. The limitation of a "dummy microphone" as claimed is not anticipated by the prior art.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



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